

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

KEITH E. ANDERSON, et al.,

Defendants.

CASE NO. CR02-423C

ORDER

This matter comes before the Court on Defendant Richard Marks' Motion to Dismiss (Dkt. No. 1028) and Motion for Identity and Status Hearing Prior to Sentencing (Dkt. No. 1029).

In his Motion to Dismiss, Defendant argues that this case should be dismissed because the Probation Officer did not file the Presentence Report ("PSR") for Defendant 35 days prior to his April 22, 2005 sentencing date, as required by Fed. R. Crim. P. 32(e)(2). Rather, the Probation Officer filed the PSR on March 25, 2005, 28 days prior to the sentencing date.

Pursuant to Fed. R. Crim. P. 32(b)(2) and a General Order dated July 1, 1993, the United States District Court for the Western District of Washington changed the deadline for the submission of a PSR from 35 days to 28 days prior to the sentencing date. Thus, the Probation Officer's submission of Defendant's PSR was timely, and the Court hereby DENIES Defendant's motion.

SO ORDERED this 13th day of April, 2005.